SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1940

No. 914

HACEL W. NALDER, BANKRUPT,

Petitioner,

vs.

THE FEDERAL LAND BANK OF BERKELEY, A CORPORATION, AND FEDERAL FARM MORTGAGE CORPORATION, A CORPORATION.

SUPPORTING BRIEF ON QUESTIONS OF THE JURISDICTION OF THE SUPREME COURT TO ISSUE WRIT OF CERTIORARI.

This Court is authorized to grant a writ of certiorari by the express provisions of Section 240 of the Judicial Code (amended), 28 U. S. C. A., Section 347:

> "In any case, civil or criminal, in a circuit court of appeals, or in the Court of Appeals of the District of Columbia, it shall be competent for the Supreme Court of the United States, upon the petition of any party thereto, whether government or other litigant, to require by certiorari, either before or after a judgment or decree by such lower court, that the cause be certified

to the Supreme Court for determination by it with the same power and authority, and with like effect, as if the cause had been brought there by unrestricted writ of error or appeal."

The petitioner asserts the right to pursue proceedings under a Federal statute, and that right has been denied him.

Section 75(s) (3) clearly provides for the complete administration of the estate in the Federal Court. The property must be sold at public auction and the debtor "shall have 90 days to redeem any property sold at such sale." These rights have both been denied the debtor. The Circuit Court of Appeals has permitted the Federal Land Bank and the Federal Farm Mortgage Corporation to proceed with foreclosure in the State courts, by directing the district court to abandon the property and in so many words, has denied the right of redemption under Section 75 (s).

The judgment is in disregard of the express provisions of the statute and is contrary to the decisions of this Court in:

John Hancock Mutual Life Insurance Co. v. *Bartels,* 308 U. S. 180, 84 L. Ed. 176;
Wright v. *Union Central Life Insurance Bank,* — U. S. —, 61 S. Ct. 196, 85 L. Ed. 166.

and conflicts with the decision of the Circuit Court of Appeals of the Seventh Circuit in:

In re Monjon, 113 F. (2d) 535.

This Court has repeatedly granted certiorari in cases involving Section 75 of the Bankruptcy Act:

Louisville Joint Stock Land Bank v. *Radford,* 295 U. S. 555, 79 L. Ed. 1593;
Wright v. *Mountain Trust Company,* 300 U. S. 440, 81 L. Ed. 736;

Adair v. *Bank of America National Trust and Savings Association,* 303 U. S. 350, 82 L. Ed. 889;
John Hancock Mutual Life Insurance Co. v. *Bartels,* 308 U. S. 180, 84 L. Ed. 176;
Kalb v. *Feuerstein,* 308 U. S. 433, 84 L. Ed. 370;
Union Joint Stock Land Bank v. *Byerly,* 310 U. S. 1, 84 L. Ed. 1041;
Wright v. *Union Central Life Insurance Company,* — U. S. —, 61 S. Ct. 196, 85 L. Ed. 166.

Respectfully submitted,

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